IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

Crl.MC.No. 57 of 2007()

AGAINST THE JUDGEMENT/ORDER IN CRRP.794/1998

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PETITIONER:

BABU MATHEW, S/O.MATHEW,
ULLATTIL HOUSE, INCHIYANIKARA,
ANCHIRI, THODUPUZHA.

BY ADV. SRI.T.C.THOMAS

RESPONDENTS:

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1. K.M.THOMAS, S/O.MATHAI,
KOCHUPARAMBIL HOUSE, MELUKAVUMATTOM P.O.,
MELUKAVU VILLAGE.

2. ADDL.2
STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.A.AKBAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.57 of 2007

Dated this the 9th day of January 2007

O R D E R

The petitioner has been found guilty, convicted and sentenced in a prosecution under Section 138 of the Negotiable Instruments Act. The verdict of guilty and conviction have now become final. The sentence was modified by the order dated 14/06/2006 passed by another Bench of this court in revision. The petitioner has been directed to pay the actual cheque amount as compensation and in default to undergo S.I for a period of three months. The petitioner was granted time till 16/08/2006 to appear before the learned Magistrate to undergo the imprisonment till rising of court and to pay the compensation amount. The petitioner has not paid the amount so far. He has come to this court with this Criminal Miscellaneous Case with a request for further extension of time. The learned counsel submits that the petitioner's counsel had not communicated the direction of the court to the petitioner on account of reasons beyond his control and it is, in these circumstances , that the amount could not be paid.

2. I find absolutely no merit in the prayer for any further extension of time. The learned counsel for the petitioner submits that if two weeks time were granted, the petitioner shall pay the amount and discharge the entire liability. I accept that submission.

3. In these circumstances, the petitioner is granted time till 23/01/2007 to appear before the learned Magistrate to serve the sentence imposed. This petition is allowed to the above extent.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006